

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

CHIKEZIE OTTAH,

Plaintiff,

v.

VERIZON SERVICES CORP.

Defendant.

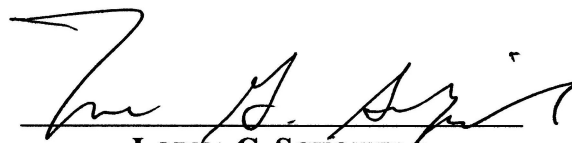
Civil Action No. 1:19-cv-08552 (LGS)

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**NOTICE OF MOTION TO DISMISS COMPLAINT  
PURSUANT TO FED. R. CIV. P. 12(B)(1) AND 12(B)(6)**

This motion is DENIED without prejudice to renewal. Defendant is not authorized to file a motion to dismiss until the Court sets the briefing schedule. Although the Court is in receipt of Defendant's pre-motion letter proposing the motion to dismiss, this proposed motion will be discussed at the November 21, 2019, conference, with pro se Plaintiff. The Clerk of Court is respectfully directed to close Dkt. No. 13.

Dated: November 12, 2019  
New York, New York



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

**PLEASE TAKE NOTICE** that on this 11<sup>th</sup> day of November 2019, Defendant Verizon Services Corp. (“Verizon”), by and through its undersigned counsel, moves this Court before the Honorable Lorna G. Scholfield at Thurgood Marshall, United States Courthouse, 40 Foley Square, New York, NY 10007, at a date and time to be determined by the Court, for an Order dismissing the Complaint of Plaintiff Chikezie Ottah (“Plaintiff”). Verizon moves this Court pursuant to Fed. R. Civ. P. 12(b)(1) to dismiss the Complaint for lack of subject matter jurisdiction as Plaintiff’s allegations of patent infringement are wholly implausible and frivolous, and because Plaintiff lacks standing to assert U.S. Patent No. 7,152,840 entitled “Book Holder” in this Action. Verizon further moves this Court pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss the Complaint for failure to state a claim upon which relief can be granted as the Complaint falls well short of the pleading requirements set forth under controlling precedent. In accordance with Section III.C.2 of the Honorable Lorna G. Scholfield’s Individual Rules and Procedures, Verizon filed and served its pre-motion letter on November 1, 2019. In support of this motion, Verizon shall rely on the accompanying Memorandum of Law in support of this motion, the Declaration of Todd M. Noshier and Exhibit 1 thereto, and any Reply that Verizon may file on or before December 2, 2019. Accordingly, for these reasons, Verizon respectfully moves this Court for an order dismissing the Complaint in its entirety, and for such other additional relief as the Court deems just.

Dated: November 11, 2019  
New York, NY

Respectfully submitted,

s/ Todd M. Noshier

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